

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application of: DALMASES BARJOAN, Pere et al.  
Serial No.: Not yet known  
Filed: Herewith  
For: NEW POLYMORPHIC FORM OF  
ONDANSETRON, PROCESSES FOR  
PREPARING THEM, PHARMACEUTICAL  
COMPOSITIONS CONTAINING THEM AND  
THEIR USE AS ANTIEMETICS

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 12, 2006

Dear Sir:

Pursuant to M.P.E.P. §609 and 37 C.F.R. §§1.56, 1.97-1.99, applicant submits herewith an information disclosure citation which lists references of which the applicant is aware. A copy of each of the references is also submitted herewith.

An English language translation of DE 203 12 772 U1 is not available at this time. It is respectfully submitted that the relevance of this reference can be readily understood by referring to the drawings of the patent provided.

An English language translation of ES 2 043 535 is not available at this time. However, an English-language abstract of this reference is submitted herewith. It is respectfully submitted that the relevance of this reference can be readily understood by referring to the drawings of the patent and corresponding English-language abstract provided.

This submission does not represent that a search has been made or that no better art exists. While the term "references" is used in citing the publications called to the examiner's attention herein, applicants do not make any admission that each or all of them are "prior art" references within the meaning of the statutory and case law.

Applicant reserves the right to contend, where appropriate, that a reference asserted against any claim of the present application is not prior art under the facts and the law.

Applicant also reserves the right to present appropriate arguments and/or evidence to establish patentability over the references, should one or more of the references be applied against the claims of the present application.

Applicant respectfully requests that the examiner independently determine those items which the examiner would consider the most pertinent of all the references cited herein.

Applicant respectfully requests that the references be considered and made of record.

This Information Disclosure Statement is being filed simultaneously with the filing of the application and therefore no fee is due. However, in the event that a fee is required, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 232820.

Respectfully submitted,



Noam R. Pollack  
Reg. No. 56,829

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

Encls. Form PTO/SB/08A  
8 References  
Copy of International Search Report

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Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449/PTO

**(Use as many sheets as necessary)**

**Complete if Known**

Application Number

Filing Date

First Named Inventor

**Art Unit**

Examiner Name

Attorney Docket Number

Here with: **10/586167**

Pere Dalmases Barjoan
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OFI001-237955
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Sheet 1

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of

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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	A	WO 03/093260 A	11-13-2003	Biogal Gyogyszergyar Rt		
	B	DE 203 12 772 U1	10-30-2003	Synthon B.V.		
	C	GB 2 153 821 A	08-29-1985	Glaxo Group Limited		
	D	GB 2 220 352 A	01-10-1990	Glaxo Group Limited		
	E	EP 0 385 517 A2	09-05-1990	Beecham Group p.l.c.		
	F	EP 0 276 559 A2	08-03-1988	Glaxo Group Limited		

Examiner  
Signature

Date  
Cons

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**Complete if Known**

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		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	G	EP 0 221 629 A1	05-13-1987	Glaxo Group Limited		
	H	ES 2 043 535	12-16-1993	Vita-Invest. S.A.		

Examiner Signature		Date Considered	
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